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| TO: Examiner D. Previl | FROM: Thomas L. Evans | JUL 12 2005 |
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Respectfully submitted,

By: By S. L. Evans #51,255 For
Thomas L. Evans, PTO Reg. No. 35,805
BANNER AND WITCOFF, LTD.

Atty. Docket No.
005348.00001

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent of:

Scott KAUFFMAN

Examiner: D. Previl

U.S. Pat. App. No.: 09/904,419

Group Art Unit: 2632

Filing Date: July 12, 2001

For: APPARATUS AND METHOD FOR ACTIVATING AN INDUCTANCE LOOP
VEHICLE DETECTION SYSTEM

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully asks for both reconsideration of this application and the Office Action dated January 12, 2005. A response to this Office Action was due by April 12, 2005. Accordingly, Applicants are concurrently submitting a Petition for a three month extension of time, to extend the period of response to July 12, 2005. The Commissioner is authorized to charge the associated small entity Petition fee to the deposit account of the undersigned, Deposit Account No. 19-0733, together with any other fees that may be required to maintain the

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pendency of this application, including any fees under 37 C.F.R. §1.16 and §1.17. Please consider this Request as timely filed.

In the Office Action, claims 1-15 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,588,806 to Wilcox.¹ Applicant respectfully traverses this rejection, and courteously urges its reconsideration.

Each of claims 1-19, 24-26, 28-34, 36, 41-43, 45-53, 58-60, 62-67 recites the presence or use of a magnet to activate an inductance loop vehicle detector. The Wilcox patent, however, does not teach or suggest a magnet, and does not even mention a magnet within the four corners of its text. Instead, the Wilcox patent teaches the use of a coil 20 in a high frequency source 2 to activate a vehicle detector.

A coil used to generate high frequency electromagnetic signals is not a magnet. For example, a coil like that disclosed in the Wilcox patent is conventionally used to generate high frequency signals, such as radio waves, and is commonly employed in equipment such as mobile telephones and short wave radios. As should be appreciated by the Examiner, however, mobile telephones and other radio transmitting devices typically do not attract iron particles. Applicant therefore submits that the Wilcox patent does not teach or suggest the features of the invention recited in any of claims 1-19, 24-26, 28-34, 36, 41-43, 45-53, 58-60, 62-67, and ask that the rejection of these claims be withdrawn.

Next, the Examiner rejected claim under 35 U.S.C. §103 over the Wilcox patent in view

1. While the rejection only refers to claims 1-15, the explanation of the rejection also refers variously to each of claims 16-19, 24-26, 28-36, 41-43, 45-53, 58-60, and 62-67. Accordingly, Applicant is treating the rejection of

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of U.S. Patent No. 4,038,633 to King.² Applicant respectfully traverses this rejection, and asks that it be withdrawn. The Wilcox patent is directed toward a signal generator used to trigger a vehicle detector tuned to the frequency of the signal generator. The King patent, on the other hand, is directed toward a different type of detector for detecting the operation of a rotational electric device, such as a vehicle alternator. Accordingly, one of ordinary skill in the art would not have been led to combine the teachings of the Wilcox and King patents in the manner proposed by the Examiner. Moreover, neither of the Wilcox and King patents discloses the use or presence of a magnet on a vehicle to trigger a vehicle detector. Accordingly, no combination of the Wilcox and King patents would teach or suggest the features of the invention recited in any of claims 4, 11, 20, 27, 37, 44, 54, and 61.

Lastly, claim 5 was rejected under 35 U.S.C. §103 over the Wilcox patent.³ Applicant respectfully traverses this rejection, and requests its withdrawal. As previously noted, the Wilcox patent does not teach or suggest the presence or use of a magnet to trigger a vehicle detector. Applicant therefore respectfully submits that the Wilcox patent would not teach or suggest the features of the invention recited in any of claims 5-7, 21-23, 38-40 and 55-57.

In making this rejection, the Examiner has stated that the asserted modifications would have been obvious to one of ordinary skill in the art "in order to ensure a clean atmosphere

claims 1-15 as an actual rejection of claim 1-19, 24-26, 28-34, 36, 41-43, 45-53, 58-60, 62-67, but the Examiner's clarification on this point is respectfully requested.

2. Again, while the Examiner's rejection refers only to claim 4, the text of the rejection variously also refers to claims 11, 20, 27, 37, 44, 54, and 61. Accordingly, Applicant is treating the stated rejection of claim 4 as an actual rejection of claims 4, 11, 20, 27, 37, 44, 54, and 61.

3. Yet again, while the Examiner's rejection refers only to claim 5, the text of the rejection variously also refers to claims 6, 7, 21, 22, 23, 38, 39, 40, 55, 56, and 57. Accordingly, Applicant is treating the stated rejection of claim 5

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performance that is unaffected by dust, corrosion, moisture in the environment." (See Office Action, page 6, lines 12-13; page 7, lines 2-3 and lines 12-14). Applicant has previously questioned the Examiner as to both the relevance and meaning of this alleged motivation. For example, Applicant has previously expressed uncertainty as to what is meant by "clean atmosphere performance." Applicant also has expressed uncertainty as to why one of ordinary skill in the art would believe the claimed materials to be superior to other magnetic materials for this purpose.

In view of the apparent irrelevance and/or unintelligibility of the Examiner's asserted motivation, Applicant respectfully requested that the Examiner support any rejections based upon this asserted motivation with an affidavit of personal knowledge in accordance with 37 U.S.C. §104(d)(2)). Despite Applicant's request and associated comments, the Examiner has again used this motivation in the outstanding Office Action. Accordingly, Applicant must again request that the Examiner support the use of this motivation in any further Office Actions with either some written support in the prior art or an affidavit of personal knowledge in accordance with 37 U.S.C. §104(d)(2)).

In view of the above remarks, Applicant respectfully submits that all of the claims are allowable, and that this application is therefore in condition for allowance. Favorable action in

as an actual rejection of claims 5-7, 21-23, 38-40 and 55-57.

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this regard is courteously requested at the Examiner's earliest convenience.

Respectfully submitted,

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July 12, 2005